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c Pr36 Kitchener-Waterloo Hospital Act, 1992

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CHAPTER Pr36

An Act respecting the Kitchener-Waterloo Hospital

Assented to December 10th, 1992

Preamble	<p>The Corporation of the City of Kitchener and The Corporation of the City of Waterloo, the joint owners of the Kitchener-Waterloo hospital, have applied for special legislation in respect of the status and constitution of the hospital.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	(2) The hospital corporation is composed of those persons who comprise its board.	Composition
Definitions	<p>1. In this Act,</p> <p>“board” means The Board of Trustees of the Hospital Corporation;</p> <p>“City of Kitchener” means The Corporation of the City of Kitchener;</p> <p>“City of Waterloo” means The Corporation of the City of Waterloo;</p> <p>“commission” means The Kitchener-Waterloo Hospital Commission established by an Act respecting the Kitchener-Waterloo General Hospital, chapter 150, Statutes of Ontario, 1924, as amended by chapter 103, Statutes of Ontario, 1955 and chapter 149, Statutes of Ontario, 1960;</p> <p>“designated land and buildings” means the lands described in the Schedule to this Act, the buildings located on that land and all improvements and additions made to the land or buildings after the coming into force of this Act;</p> <p>“hospital” means the Kitchener-Waterloo hospital;</p> <p>“hospital corporation” means the corporation known as The Board of Trustees of the Kitchener-Waterloo Hospital;</p> <p>“nominating committee” means the committee of the board empowered to nominate persons to the board;</p> <p>“region” means The Regional Municipality of Waterloo.</p>	<p>3. The objects of the hospital corporation are,</p> <p>(a) to establish, equip, maintain, operate and conduct hospital, teaching and research facilities and provide programs of patient care and community health; and</p> <p>(b) to accept donations, gifts, legacies and bequests for use in promoting the objects of and carrying on the work of the hospital corporation.</p>	Objects of hospital corporation
Continuance of commission of hospital corporation	<p>2.—(1) The commission is hereby continued as a corporation without share capital under the name “The Board of Trustees of the Kitchener-Waterloo Hospital”.</p>	<p>4.—(1) All assets of the hospital and the commission, other than the designated land and buildings, but including all other property both real and personal and all contracts, rights and agreements, shall be deemed to be vested in the hospital corporation on the day on which this Act comes into force and the hospital corporation shall assume responsibility for the payment of all liabilities then existing in respect of the management, operation and maintenance of the hospital and be bound by the terms of all existing contracts made by the commission.</p> <p>(2) The designated land and buildings have been and shall continue to be vested in the cities of Kitchener and Waterloo and, subject to the <i>Public Hospitals Act</i>, shall be leased to the hospital corporation by the cities of Kitchener and Waterloo on such terms and conditions as may be agreed upon from time to time among the cities of Kitchener and Waterloo and the region and no land transfer tax shall be payable with respect to the tenancy created by the lease or any renewal of that tenancy.</p> <p>5.—(1) The affairs of the hospital corporation shall be managed by the board which shall be composed of,</p> <p>(a) the mayor or alternate appointed by the council of the City of Kitchener;</p> <p>(b) the mayor or alternate appointed by the council of the City of Waterloo;</p>	Transfer of assets to hospital corporation
			Lease of designated land and buildings
			Members of board

- (a) furnish, equip, alter, expand or enlarge the hospital and establish or participate in or acquire other hospitals, health care centres or similar institutions;
- (b) acquire real or personal property that is necessary or desirable for the alteration, expansion or enlargement of the hospital or otherwise for the purposes of the hospital corporation or any of its programs by gift, purchase or lease;
- (c) sell or dispose of any real or personal property no longer required for its purposes, but the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the hospital corporation;
- (d) enter into agreements with other public hospitals or entities for the sharing or supplying of services and facilities;
- (e) borrow money on the credit of the hospital corporation and provide security for that money on the terms and in the amounts as it may deem advisable; and
- (f) subject to any express term of a specific trust, invest and reinvest its funds in the securities that are authorized for trustees under the *Trustee Act*.

Executive
committee

8.—(1) The board may by by-law elect from among themselves an executive committee of not less than five members and may delegate to the executive committee any powers of the board subject to any limitations set out in the by-law.

Nominating
committee

(2) The nominating committee shall be composed of the mayor of the City of Kitchener, the mayor of the City of Waterloo, the chair of the region, the chair of the board and the immediate past chair of the board. In the absence of an immediate past chair of the board, the chair of the board shall designate a member of the board to fill the vacancy. For purposes of the first nominating committee constituted on the date of proclamation of this Act, the past chair of the commission shall be deemed to be the immediate past chair of the board.

Other
committees

(3) The board may by by-law appoint a committee or committees and delegate to that committee or committees any of the powers of the board as set out in the by-law.

Auditor

9. The board shall appoint a public accountant who is licensed under the *Public Accountancy Act* as auditor of the hospital corporation.

Powers of
board

10.—(1) Without restricting the generality of section 7, the board,

- (a) may make all expenditures and enter into all such contracts and agreements that may be necessary or convenient for carrying out the objects and purposes of the hospital corporation;
- (b) subject to the *Public Hospitals Act*, may enact by-laws for the operation and management of the affairs of the hospital corporation and of its hospital or any similar institution established by the hospital corporation;
- (c) may appoint any person or persons to execute on its behalf any documents or other instruments in writing and to affix the corporate seal of the hospital corporation to the documents or instruments;
- (d) subject to the *Public Hospitals Act*, may prescribe policies and procedures for the appointment and removal of such employees as may be considered necessary for the general management, operations and maintenance of the hospital, and may prescribe policies and procedures as may be considered necessary to fix the terms, conditions, duties and responsibilities of their employment;
- (e) subject to the *Public Hospitals Act* and the *Health Insurance Act*, may fix the fees to be charged to patients for

accommodation in and services rendered by the hospital.

(2) Subject to the *Public Hospitals Act*, the hospital corporation shall not mortgage, charge or encumber in any way its leasehold interest in the designated land and buildings without the prior consent of the councils of the cities of Kitchener and Waterloo expressed by by-law.

Mortgage

11. All claims, actions, suits, accounts and demands arising from or relating to the management, operation or maintenance of the hospital or from or relating to the exercise of any of the powers of the commission shall be made upon and brought against the hospital corporation and not upon or against the City of Kitchener, any member of the council of the City of Kitchener, the City of Waterloo, any member of the council of the City of Waterloo, the region, any member of the council of the region, the commission, any member of the commission or any trustee of the hospital corporation.

Claims
against the
hospital
corporation

12. All gifts, trusts, bequests, devises and grants of real or personal property or the income or proceeds from them, that have been or will be expressed by any person by deed or will or otherwise made, given, conveyed or allocated to the hospital, the commission or any predecessor of the commission, or the City of Kitchener, or the City of Waterloo or the region for the purposes of the hospital shall, in the absence of an intention to the contrary, be construed as if they had been expressly made for the purposes of the hospital corporation and shall be paid over, granted or conveyed by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering that deed, will or other document to the hospital corporation whose receipt shall be a sufficient discharge of it.

Gifts, etc.

13. If the hospital corporation ceases to operate the hospital on the designated land and buildings or on any other site approved by the councils of the City of Kitchener and the City of Waterloo, then all assets remaining shall be distributed among the cities of Kitchener and Waterloo and the region in the manner determined by the Minister of Health,

Cessation of
operations of
hospital

- (a) after the payment or provision for payment of all liabilities of the hospital corporation; and
- (b) after recognition of and provision for the terms and conditions of any trusts to which the hospital corporation or any assets held by it are subject.

14. The following Acts are repealed:

Repeal

1. *An Act respecting the Kitchener-Waterloo General Hospital, being chapter 150 of the Statutes of Ontario, 1924.*
2. *An Act respecting the Kitchener-Waterloo General Hospital, being chapter 103 of the Statutes of Ontario, 1955.*
3. *An Act respecting the Kitchener-Waterloo Hospital, being chapter 149 of the Statutes of Ontario, 1960.*

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Kitchener-Waterloo Hospital Act, 1992.*

SCHEDULE

Part of the Lot marked "Mount-Hope Cemetery" as shown on Register Plan 385, Part of Park Street closed by By-law 2669 registered as Instrument Number A-7639 and Part of Lot 285 of Registered Plan 385 for the City of Kitchener and in The

Regional Municipality of Waterloo more particularly described as follows:

COMMENCING at the southerly limit of King Street where it is intersected by the westerly limit of Green Street as widened to 60 feet by By-law Number 2669 registered as Instrument Number A-76379;

THENCE south 24 degrees 20 minutes west, along that westerly limit of Green Street a distance of 670.89 feet to a point in the northerly limit of Park Street as diverted by By-law Number 2669;

THENCE along that northerly limit, north 51 degrees 16 minutes west, 317.7 feet to a point;

THENCE continuing along the original northerly limit of Park Street, north 65 degrees 10 minutes west a distance of 659.1 feet to a point in the easterly limit of Mt. Hope Street;

THENCE north 24 degrees 13 minutes east, along that easterly limit, a distance of 592.82 feet to a point in the southerly limit of King Street;

THENCE along the same, south 65 degrees 15 minutes east, 968.57 feet to the point of commencement.

These lands are intended to be the same as those described in the deed registered as Instrument Number A-74318.